

So, you want to run a food business?

A guide for Victorians

Important things to know...

If you are thinking about buying an existing food business or starting your own, there are some important things you should know. This publication will tell you about:

- how Victorian laws, particularly the food laws, affect what you might be planning to do in your new food business;
- how to meet your obligations; and
- how to get more help and information if you need it.

What do the food laws mean for me?

A business that sells food in Victoria must **register** or **notify** the place where they sell the food - their "food premises" – with the right local council. This applies even if you don't charge directly for the food, but include it as part of another service, such as for promotional purposes, tourist packages, or at a bed and breakfast.

Making and selling food carries with it certain responsibilities. The food must be safe to eat and free of any contamination. Poisoning your customers is no way to stay in business!

Victoria's food laws are part of a national Food Safety Strategy which aims to have consistent food safety standards across Australia.

If you plan to run a food business, you need to be familiar with the national Food Standards Code. This covers:

- what can and should be in foods;
- what must be included on labels and packaging; and
- how to manage food safety in your business (Chapter 3 - Food Safety Standards).

The Code can be found at

www.foodstandards.gov.au/code/Pages/default.aspx

For more information, visit the Food Standards Australia New Zealand (FSANZ) website at

www.foodstandards.gov.au or call 1300 652 166.

Food business classes

Councils classify all food businesses according to their food safety risk. Depending on premises' food handling activities, different regulatory requirements apply under Victoria's Food Act. There are four classes, with class 1 premises having the highest risk and class 4 the lowest.

As you would expect, requirements for premises carrying out only lower risk food handling activities, such as a greengrocer, are much simpler than for a restaurant or nursing home where more complex food preparation can increase the chances of something going wrong.

Your council can tell you what class your food premises falls within and so whether you need to **register** annually with council or only notify council of your operations once-off.

If your business involves only low food safety risks, such as a newsagency or a bottle shop, and you are selling only pre-packaged low-risk foods, you simply need to **notify** your principal council that you will be running a food business. You need to do this only once. You do not need to obtain formal annual approval through registration.

For an indication of which class your proposed food business activity falls within, go to

www.health.vic.gov.au/foodsafety/foodclass/index.htm

Can I run a food business from home?

Preparing food for a number of people is different from cooking for the family. You will need to think about whether you can prepare food safely from home for the number of people you are planning to serve.

Depending on your activities, you must either be registered with, or notify, your local council to operate a food business from home.

If you are thinking about running a food business from home, your local council Environmental Health Officer can advise you how to comply with the national Food Standards Code.

Where do I start?

One of the best places to start is with your local council Environmental Health Officer. Whether you are thinking about buying an existing business or even operating from home, your local Environmental Health Officer can guide you towards making your plans a reality, with the least amount of fuss.

Preparing food for customers is different to preparing food for yourself and family. The amounts will probably be larger. The time between preparing the food and when it gets eaten might not be so predictable. You might have customers who are allergic to some types of food.

Here are a few things you should think about before taking the big step:

- what laws affect my plans?
- do I know enough to make sure the food I sell is safe?
- will I need a planning permit from the local council?
- if I am making alterations to a building, do I need a building permit from council?
- will the kitchen's equipment and storage facilities be appropriate for doing the things I plan to do?
- is there a place to wash my hands before I start preparing food?
- is there enough room in the fridge to properly store the amount of food I plan to make?
- will everyone working at the business know how to make sure the food they handle is safe for customers?

Who do I apply to for permission to operate my business?

(a) Permanent premises

Who you have to apply to for permission depends on the type of food business that you plan to operate. If you will be operating from a permanent premises – such as a café, shop, factory or other “fixed premises” – then you must contact the council in whose municipal district that place is located. You can search for the relevant council here:

www.dtpli.vic.gov.au/local-government/find-your-local-council

However, a small number of primary food processing businesses, such as butchers and dairy manufacturers, are covered by other specialist regulators.

Look at the table below to see which food regulator is the right one for your business.

If your business operates from a PERMANENT PREMISES and ...	Then the food regulator you contact is ...
... has as its main activity selling uncooked meat or chicken (eg butcher's shop), or it processes meat or chicken, or makes smallgoods, or transports meat or fresh chicken	PrimeSafe tel: (03) 9685 7333 www.primesafe.vic.gov.au A licence is required.
... has as its main activity selling, transporting, preparing or processing fish or seafood (eg a fishmonger's)	PrimeSafe tel: (03) 9685 7333 www.primesafe.vic.gov.au A licence is required.
... manufactures ice cream and/or frozen yoghurt at that premises and sells it on-site and/or at a van or stall	Your local council Registration is required, based on the food handled.
... is a dairy farm, a dairy manufacturer, a dairy distribution business, dairy wholesaler or a dairy food carrier (such as a milk tanker)	Dairy Food Safety Victoria tel: (03) 9810 5900 www.dairysafe.vic.gov.au A licence is required.
... sells, makes, transports, or prepares other foods or a range of foods at a shop, factory or other permanent building	Your local council Registration or notification is required, based on the food handled.

(b) Portable premises – state-wide approval

If you plan to operate a business that is portable – such as a stall, a food van or trailer, a vending machine, or you occasionally use a hall – or if you operate as a private water carter, then in most cases you will only have to register or notify with your “principal council”.

Look at the table below to see which food regulator is the right one for your business.

If your business operates from a PORTABLE PREMISES and ...	Then the food regulator you contact is ...
... sells packaged meat at a market from a Primesafe licensed meat transport vehicle	Your principal council – as outlined in the box opposite. Streatrader not yet available for this notification.
... sells packaged meat at a market from any other vehicle or stall	Your principal council – as outlined in the box opposite. You can register in Streatrader.
... has as its main activity selling raw fish or seafood from a van or stall	PrimeSafe tel: (03) 9685 7333 www.primesafe.vic.gov.au
... sells dairy foods, including ice cream and/or frozen yoghurt, from a van or stall	Your principal council – as outlined in the box opposite. You can register in Streatrader .
... sells any other food from a stall, van, or hall you use occasionally, or from a vending machine	Your principal council – as outlined in the box opposite. You can register/notify in Streatrader .
... sells water for human consumption from a water transport vehicle	Your principal council – as outlined in the box opposite. You can register in Streatrader .

Note that the sale of mainly raw fish or seafood at portable food premises is not regulated by local government, but by Primesafe.

The following information applies to all other businesses, which are regulated by councils.

Which is your principal council?	
<p>Regardless of where a business regulated by local government plans to trade, it will need to contact the principal council.</p> <p>Your principal council is the Victorian council in whose district your food is prepared or stored, your stall, van or trailer is garaged, or your business is based:</p>	
If your stall, van, trailer or vending machine sells food that is ...	Your principal council is the one whose district is ...
... usually prepared or stored before it is sold	... where the food is usually prepared or stored
... not usually prepared or stored before it is sold	... the main place where: <ul style="list-style-type: none"> the equipment for the stall is stored; or the vehicle is garaged
... neither of the above	... where the usual business address is located
If you have such a place but it is not in Victoria	... where your stall, van, trailer, vehicle or machine will first operate in Victoria

Your principal council will issue a single statewide registration certificate (usually for a 12 month period) if the premises are class 1, 2 and 3, or acknowledge your once-off notification if your premises are class 4.

Either way, this entitles you to operate anywhere in Victoria, provided you lodge a statement of trade that lets the council in whose district you plan to trade know where and when you will be operating. This will make it easier for food businesses to trade in different council districts.

For further details see also www.health.vic.gov.au/foodsafety/bus/mobile.htm

You will also be able to use Streatrader (<https://streatrader.health.vic.gov.au>) to lodge and manage your applications and registrations/notifications.



You can log-in to Streatrader any time, and update business and premises details.

What do I need to do to be registered under the Food Act?

It is important to contact your council Environmental Health Officer to discuss the nature of your proposed food business. They will advise you of the probable class of your food premises – class 1, 2, 3 or 4 – depending on your activities. This will help ensure you follow the right steps to obtain permission to operate.

As a condition of registration, food businesses involved in handling unpackaged high-risk food must have a food safety program and a food safety supervisor. This applies, for example, to nursing homes, hospitals, childcare centres providing cooked meals, restaurants, fast food outlets, caterers, delis, supermarkets with delis, pubs, cafes, most manufacturers, and wholesalers. These are class 1 and class 2 food premises. You will find further information about these requirements on page 5.

Generally, food businesses that handle only pre-packaged high-risk food, or any unpackaged low risk food, will still need to register with council. These are class 3 food premises.

Given the lower risks associated with these activities, class 3 food premises are not required by law to have a food safety program or a food safety supervisor. They must keep a small number of easy-to-complete “minimum records”. These are available from your council or the Food Safety website at www.health.vic.gov.au/foodsafety/bus/class.htm#class3

What formal training do I need?

Everyone who handles food in your business needs to know how to do their job safely, regardless of whether the activity is class 1, 2, 3 or 4. There is no legal requirement for any person in a food business to attend a training course. However, you need to make sure that food handlers within your business have the skills and the knowledge of food safety and food hygiene for the work they do. Sometimes the best way of giving staff this knowledge is to send them to a formal course, but other options include:

- on-the-job training under a more experienced staff member;
- formal recognition of people’s experience in food businesses;
- self- instruction using written material;
- running in-house training sessions; and
- completing [Dofoodsafely](http://dofoodsafely.health.vic.gov.au), the Department of Health’s free online learning program for food handlers at <http://dofoodsafely.health.vic.gov.au>

You should be aware of the type of training everyone receives in case your local council wants to know.

For more information, go to www.health.vic.gov.au/foodsafety/skills_knowledge/index.htm

What is a food safety supervisor?

Class 1 and 2 premises will also need a **food safety supervisor**.

The food safety supervisor needs to know about food safety, have the *ability* to supervise food handlers, and the *authority* to give directions if unsafe food practices are observed.

This person may not need to attend formal training, but they **must** be able to prove that they have particular knowledge about food safety, by demonstrating certain competencies, which are set out under law.

A Registered Training Organisation can provide a *Certificate of Attainment* showing that the relevant competencies have been completed. You will need to show the Certificate to your local council Environmental Health Officer if requested to do so.

For more information, go to www.health.vic.gov.au/foodsafety/skills_knowledge/fss.htm

What if I plan to build or renovate a food premises?

If you are planning to build or substantially renovate a food premises, contact your council early in the process - before you apply to **register** the premises.

Council can advise what is required by law before any building works commence.

If you are only altering the fit-out in an existing building, and approval from council is not required under building law, you may not need to prepare a plan for council.

Plans are not required for registration under the Food Act.

However, it is wise to consult council before you alter the premises, to ensure that the premises are suitable and will comply with the national Food Standards Code. This will avoid you having to undertake costly remedial work if your fit-out does not meet all legal requirements.

What labelling do I need on packaged food?

There are uniform standards for the labelling of packaged food around Australia. If you import, manufacture or package food, you must know about these standards. They are contained in the Food Standards Code part 1.2 which can be found at www.foodstandards.gov.au/code/Pages/default.aspx

A user-guide to the standard can be found at www.foodstandards.gov.au/code/userguide/pages/overviewoffoodlabell1267.aspx

If you are going to produce packaged food for retail sale, fact sheets are available from your local council. You should also read the excellent [Guide to the Labelling of Packaged Food for Retail Sale \(2013\)](#) developed by the South Australian Government.

More information on food safety programs (class 1 and 2 activities)

What is a food safety program?

Class 1 and 2 premises are required to have a **food safety program**. This is a written plan that shows how your business will manage the safety of the food you prepare, serve, manufacture or sell. It is your plan for serving safe food – which makes for a healthy business.

If your business needs a food safety program, it is a legal requirement that you have it in place **before** you open.

Food safety programs are based on the principles of HACCP (**H**azard **A**nalysis **C**ritical **C**ontrol **P**oint), an internationally accepted prevention and risk based food safety system. Food safety programs need to be reviewed annually to make sure they are still relevant.

Your local council can also advise you further about your obligations.

How do I get a food safety program?

If the council classifies your activity as class 1 – because the food is prepared specifically for ‘at risk’ people (such as the very young, the elderly or people in hospitals or nursing homes) – then you will need to have your own food safety program written. It must be audited by a Department of Health-approved food safety auditor. The auditor checks whether your food safety program is adequate for your food handling activities, and whether you are complying with it.

You may choose a private auditor or an auditor from your local council if they provide that service.

If the council classifies your activity as class 2, then you have a choice of either writing your own food safety program or using a Department of Health registered *Food Safety Program Template*.

This simpler and less costly option involves completing a template that has been registered with the Department of Health. There are a number of templates to choose from. Some are specially written for particular types of businesses. Others are more general. To find out which templates are available, visit www.health.vic.gov.au/foodsafety/bus/templates

Some templates are free, and others must be purchased. If you decide to use a template, you should choose the one that is most appropriate for your type of business. Your local council Environmental Health Officer can help you decide.

Whichever one you choose, the supplier of the template must offer you support to help you complete your food safety program properly.

Many existing businesses already have a food safety program in place. If you are buying an existing business, ask to see the food safety program and check if it is included in the sale of the business.

You should also check with the local council to see if there are any existing Health Orders over the premises - or you can ask whether a local council Environmental Health Officer can inspect the premises, as these issues would need to be fixed before you can open.

If you are planning to use an existing food safety program for a business you buy, you must review the whole food safety program so that it reflects the food handling activities at your new business.

What do I need to know about auditing?

If you do not use a food safety program template, but write your own program, your business will need to be audited at your cost by a Department of Health-approved food safety auditor.

For more information about food safety auditing, visit www.health.vic.gov.au/foodsafety/bus/auditing.htm

To find out more

- Visit the Department of Health & Human Services Food Safety website at www.health.vic.gov.au/foodsafety
- Speak with your local council Environmental Health Officer for detailed food safety advice.
- Ring the Department of Health & Human Services Food Safety Hotline toll-free on 1300 364 352 during business hours.
- Ring the Business Victoria line on 13 22 15.
- Visit the Food Standards Australia New Zealand web site at www.foodstandards.gov.au
- Look under *Catering and Food Consultants* in the Yellow Pages.
- Contact relevant industry associations as many provide advice about buying and selling businesses.

Publications and resources

Department of Health & Human Services resources are available to assist food businesses with food safety:

- pamphlets and publications in English and other languages - www.health.vic.gov.au/foodsafety/pubs.htm
- food safety program templates to guide the writing and implementation of food safety programs - www.health.vic.gov.au/foodsafety/bus/templates
- [FoodSmart](http://www.foodsmart.vic.gov.au), an on-line food safety program template - www.foodsmart.vic.gov.au
- [Dofoodsafely](http://dofoodsafely.health.vic.gov.au), free online learning program for food handlers - <http://dofoodsafely.health.vic.gov.au>

Contacting us

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Other contacts

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